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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/353,998	07/15/1999	SUSUMU SENSYU	SONY-P9817	4457

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EXAMINER

SHAH, NILESH R

ART UNIT	PAPER NUMBER
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2195

DATE MAILED: 07/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/353,998

Applicant(s)

SENSYU, SUSUMU

Examiner

Nilesh Shah

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 June 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-12 and 19-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 8-12 and 19-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 8-12, 19-22 are presented for examination.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

(a) The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 8-12, 19-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

A) The following claim language is not clearly define:

a) As per claims 8,10,12, and 19, it is unclear what is included error correction code data structure? It is also unclear how the error correction code data structure is different from the error correction code block? Is the physical structure in fig. 6-8 related to the error correction code data structure?

b) Claims 8,10,12, and 19 rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between the elements. See MPEP § 2172.01. The omitted elements are: the data structure and blocks of data.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
5. Claims 8-12, 19-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim (5,627,935) in view of Oeda et al (6,125,427) (hereinafter Oeda).
6. As per claim 8, Kim teaches an optical disc having a data format, comprising: a first error correction code (ECC) data structure including at least a user data and control information disposed in a first error correction code (ECC) block (Fig.4, element 40; col. 10 line 60 – col. 11 line 12; col. 12 lines 10-25; col.6 lines 1-9); and a second ECC data structure including at least an ID information of a physical sector disposed in a second ECC block(col.6 lines 1-9; col. 14 lines 15-55; col. 13 lines 35-45; col. 10 line 60 – col. 11 line 12); wherein the first and the second blocks are expressed on the disc in a same physical data cluster and accessed from the optical disc by a

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reproducing device employing the first and second ECC data structures of the physical data cluster to correct errors encountered in accessing data from the disc (col. 6 lines 19-39; col. 7 lines 22-60; col. 8 lines 23-44).

7. Kim does not specifically teach the use of independently coded blocks.

Oeda teaches wherein the first and second ECC blocks are coded independently for error correction (fig. 3, element 21; fig 4 elements 49,37,50; col. 7 lines 55-67; col. 8 lines 1-9). It would have been obvious to one skilled in the art at the time of the invention to combine the teachings of Kim and Oeda because Kim's use of independently coded blocks within the error code would improve Oeda's system by providing more user information during error correction and make it possible to read the different sectors thus making synchronization possible (Oeda col. 8 lines 1-15).

8. As per claim 9, Oeda teaches a optical disc wherein the logical data format comprises an error-correcting code having a long distance code (LDC) in one direction; and the user data is arranged in a same direction as the error-correcting code (fig 4, element 50; col. 5 lines 50-57; col.6 lines 14-25; col. 8 lines 47-55; col. 9 lines 25-33).

9. Claims 10-11 are rejected based on the same rejections as claims 8-9 above.

10. Claims 12 and 19 are rejected based on the same rejection as claim 8 above.

11. As per claim 20 Kim teaches an optical disc wherein the ID information of the second ECC block is (col.6 lines 1-9; col. 14 lines 15-55; col. 13 lines 35-45) operative to synchronize and address physical sectors of the same physical data cluster (col. 6 lines 19-39; col. 12 line 65- col. 13 line 15).
12. As per claim 21 Kim teaches an optical disc wherein the ID information (col.6 lines 1-9) is operative to synchronize and address physical sectors of the same physical data cluster col. 10 line 60 – col. 11 line 12; col. 12 lines 10-25; col.6 lines 1-9).
13. Claim 22 is rejected based on the same rejection as claim 20 above.

Response to Arguments

14. Applicant's arguments filed 6/15/05 have been fully considered but they are not persuasive. Applicant states a) improper 35 U.S.C. 112, second paragraph b) improper combination of Oeda and Kim.
15. As per point a) Claims 8,10,12, and 19, it is unclear what is included error correction code data structure? It is also unclear how the error correction code data structure is different from the error correction code block? Is the physical structure in fig. 6-8 related to the error correction code data structure? As to point b) It would have been obvious to one skilled in the art at the time of the invention to combine the teachings of Kim and Oeda because Kim's use of independently coded blocks within the error code would

improve Oeda's system by providing more user information during error correction and make it possible to read the different sectors thus making synchronization possible (Oeda col. 8 lines 1-15).

Conclusion

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Itoi (6,477,313 teaches the use of independent ECC blocks (col. 14 lines 20-25); Kulakowski et al (5,233,584) teaches the use of different ECC data blocks each coded independently (col. 4 line 59 –col.5 line 20).
17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nilesh Shah whose telephone number is (571)272-3771. The examiner can normally be reached on 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng An can be reached on (571)272-3756. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nilesh Shah
Examiner
Art Unit 2195

NS
July 5, 2005


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